

FISCAL NOTE

SB 1114 - HB 1563

January 22, 2002

SUMMARY OF BILL: Creates a new cause of action against the State in the Tennessee Claims Commission. Allows for suits to recover damages from negligent deprivation of statutory rights created under federal law. Exempts any claims over which the Civil Service Commission has jurisdiction. The claimant must prove that Congress expressly conferred a private right of action, in favor of the claimant against the State for its violation of the particular statute's provisions.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - Exceeds \$100,000/Claims Award Fund

Estimate assumes this bill would allow causes of action against the State that could not otherwise have been brought due to the state's immunity under the Eleventh Amendment. The fiscal impact cannot be determined but can reasonably be estimated to exceed \$100,000 based on the potential for a significant increase in claims.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James A. Davenport". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James A. Davenport, Executive Director

SB 1114 - HB 1563